

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

MICHAEL JOSEPH DERROW, #03199-286 §

VS. § CIVIL ACTION NO. 9:06cv137

JOHN M. BALES, ET AL. §

ORDER OF DISMISSAL

Plaintiff Michael Joseph Derrow, an inmate confined at F.C.I. Leavenworth, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil lawsuit. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the lawsuit should be dismissed. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Defendant's motion to dismiss (docket entry #58) is **GRANTED**. It is further

ORDERED that to the extent the Plaintiff is challenging his conviction, the lawsuit is **DISMISS** without prejudice pursuant to 28 U.S.C. § 2244. It is further

ORDERED that the Plaintiff's civil claims are **DISMISSED** as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and that such claims are dismissed with prejudice to their being asserted again until the *Heck v. Humphrey*, 512 U.S. 477 (1994), conditions are met. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

So **ORDERED** and **SIGNED** this **22** day of **May, 2007**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge